

### Remarks

Reconsideration is requested in view of the following remarks.

#### Preliminary Remarks Regarding Declarations under 37 C.F.R. 1.131

In section 4 of the Action, the Declarations under 37 C.F.R. 1.131 filed with the previous response were noted as being ineffective because no evidence to establish a conception date was submitted. Included herewith are Supplemental Declarations of the Applicants. Each Supplemental Declaration includes, as Exhibit A thereto, documentary evidence of conception. Consideration and entry of the Supplemental Declarations are respectfully requested.

#### Claim Rejections - 35 U.S.C. § 103

In sections 6-17 of the Action, claims 1-10, 12-18, 20-25, and 27-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noren *et al.* (U.S. Patent No. 6,446,091) (hereinafter "Noren"), Montville *et al.* (U.S. Patent No. 6,356, 937) (hereinafter "Montville"), and Furusawa *et al.* (U.S. Patent No. 6,356,937) (hereinafter "Furusawa"). This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, Noren is based upon an application filed on July 29, 1999. The current application possesses a priority date of September 28, 1999.

The Applicants now submit Supplemental Declarations under 37 C.F.R. 1.131 in which they maintain that they invented the claimed subject matter before the filing date of the Noren patent application. (*See* Supplemental Declarations of Peter Mansour and Roman Sherman, attached at the Appendix hereto and incorporated herein.) Each Supplemental Declaration includes, as Exhibit A thereto, documentary evidence of conception prior to the filing date of the Noren patent application.

As such, the Applicants maintain that Noren is not prior art to the invention recited in the pending claims. Applicants therefore respectfully request withdrawal of the rejection and allowance of 1-10, 12-18, 20-25, and 27-33.

In sections 18 and 19 of the Action, claims 11, 19, 26, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noren, Montville, and Furusawa and further in view

of Birrell *et al.* (U.S. Patent No. 6,092,101) (hereinafter "Birrell"). This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, in view of the above-noted Supplemental Declarations under 37 C.F.R. 1.131, the Applicants maintain that Noren is not prior art to the rejected claims. As such, the Applicants respectfully request withdrawal of the rejection and allowance of claims 11, 19, 26, and 34.

#### Conclusion

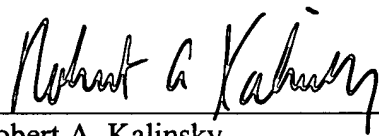
The remarks set forth above and the Supplemental Declarations included herewith make certain representations with respect to the date of invention of the claimed subject matter. The Applicants respectfully note that there may be additional evidence regarding the date of invention, as well as other reasons that the pending claims are patentably distinct over the cited references. Applicants expressly reserve the right to raise any such reasons or arguments in the future.

In view of the above, it is submitted that all claims are in condition for allowance. Applicants request reconsideration, withdrawal of the rejections, and a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Attachment: Appendix including Supplemental Declarations of inventors Peter Mansour and Roman Sherman